

105TH CONGRESS  
2D SESSION

# S. 1707

To amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods.

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## IN THE SENATE OF THE UNITED STATES

MARCH 4, 1998

Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. DURBIN, Mr. BUMPERS, and Mr. BYRD) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Safety of Imported  
5       Food Act of 1998”.

6       **SEC. 2. CRITERIA FOR DEEMING IMPORTED FOOD ADUL-**  
7       **TERATED.**

8       (a) AMENDMENT TO THE FEDERAL FOOD, DRUG,  
9       AND COSMETIC ACT.—Section 402 of the Federal Food,

1 Drug, and Cosmetic Act (21 U.S.C. 342) is amended by  
2 adding at the end the following:

3       “(h) If it is a food offered for import into the United  
4 States that has not been prepared, packed, and held under  
5 a system or conditions, or subject to measures, that meet  
6 the requirements of this Act or that otherwise achieve the  
7 level of protection required, as determined by the Sec-  
8 retary, for such food prepared, packed, or held in the  
9 United States. In determining whether a system, condi-  
10 tions, or measures meet the requirements of this Act or  
11 otherwise achieve the level of protection required, the Sec-  
12 retary may consider whether an officer or employee duly  
13 designated by the Secretary has requested, and has been  
14 refused, access to the establishment or location where such  
15 food was prepared, packed, or held for the purpose of in-  
16 spection (including sample collection), testing, or other rel-  
17 evant procedures, at a reasonable time and in a reasonable  
18 manner, and may deny the importation of such food from  
19 such establishment or location on the basis of such refusal  
20 and other relevant factors.”.

21       (b) IMPLEMENTATION OF AUTHORITY; PLAN.—The  
22 Secretary of Health and Human Services shall develop a  
23 plan for the initial implementation of the authority under  
24 section 402(h) of the Federal Food, Drug, and Cosmetic

- 1 Act, as added by subsection (a), and shall carry out the
- 2 authority of such section consistent with such plan.

